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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 07-0678 JSW
Plaintiff,)	
v.)	STIPULATION AND PROPOSED ORDER
)	CONTINUING THE MOTION / TRIAL
GLENIO JESUA FERREIRA SILVA,)	SETTING DATE
Defendant.)	
_____)	

This matter is on calendar before this Court for Trial Setting on March 7, 2008. The parties now stipulate and request that the Court enter an Order that the Trial Setting date be removed from the March 7, 2008 calendar and be continued until April 3, 2008 and that time should be excluded from the Speedy Trial Act calculations from March 7, 2008 through April 3, 2008 for effective preparation of counsel. _

The defendant was indicted on October 25, 2007. On November 1, 2007, the parties made their Initial Appearance before this Court and set a further date for Motions / Trial Setting before this Court on Thursday, December 13, 2007 at 2:30 p.m. The parties last appeared before this court on January 24, 2008. On that date, counsel for the government advised that one

1 material witness had been located and that the parties anticipate taking a material witness
 2 deposition of this witness in the coming weeks. The Court informed counsel that it expected that
 3 all additional discovery, including any depositions shall be concluded by the next calling of the
 4 case.

5 Counsel for the government has not been able to complete the material witness deposition
 6 due to the following: she suffered a knee injury on February 2, 2008; underwent surgery on
 7 February 20, 2008; and returned to the office on March 3, 2008. Counsel for the government
 8 was working part-time from February 2, 2008, the date of injury, through February 19, 2008 and
 9 was out on medical leave following surgery on February 20, 2008 until March 3, 2008. In
 10 addition, on February 21, 2008, another material witness surrendered and is being held in
 11 custody pending resolution of an outstanding criminal matter in the Northern District of
 12 California.¹ The parties anticipate taking the deposition of this second material witness
 13 immediately following the deposition of the first-mentioned material witness. For these reasons,
 14 the parties request a four week continuance. The parties agree that time is properly excluded
 15 under the Speedy Trial Act for effective preparation of counsel. 18 U.S.C. § 3161(h)(8)(B)(iv).

16
 17 SO STIPULATED:

18 JOSEPH P. RUSSONIELLO
 19 United States Attorney

20 DATED: March 4, 2008

21 /s/
 22 DENISE MARIE BARTON
 Assistant United States Attorney

23 DATED: March 4, 2008

24 /s/
 25 STEVEN GRUEL
 Attorney for GLENIO SILVA

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 27
 28 ¹ The criminal matter involving the second witness is docketed as *United States v. Andrea Ferreira Desouza*, CR 07-70346 BZ.

1 For the foregoing reasons, this matter is continued until April 3, 2008, 2008 at 2:30 p.m.
2 Pursuant to the Speedy Trial Act, Title 18 United States Code, section 3161(h)(8)(B)(iv), the
3 ends of justice are served by granting the requested continuance, given that failure to do so
4 would deny counsel for the Government reasonable time for effective preparation and continuity
5 of counsel, taking into account the exercise of due diligence. Accordingly, time shall be
6 excluded from March 6, 2008 through April 3, 2008.

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8 SO ORDERED.

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11 DATED: March 4, 2008


HONORABLE JEFFREY S. WHITE
United States District Court Judge